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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2010-235**

12 **BONNIE BREWER FAULK**  
339 Starlight Drive  
13 Santee, GA 30571  
14 **Registered Nurse License No. 580423**

**A C C U S A T I O N**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
21 of Consumer Affairs.

22 2. On or about May 1, 2001, the Board of Registered Nursing issued Registered Nurse  
23 License Number 580423 to Bonnie Brewer Faulk (Respondent). The Registered Nurse License  
24 was in full force and effect at all times relevant to the charges brought herein and will expire on  
25 October 31, 2010, unless renewed.

## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

## STATUTORY PROVISIONS

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 of the Code states, in pertinent part, that "[t]he board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct . . . .

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

7. Section 2762 of the Code states, in pertinent part, that "[i]n addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to

1 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
2 ability to conduct with safety to the public the practice authorized by his or her license.

3 "(c) Be convicted of a criminal offense involving the prescription, consumption, or self-  
4 administration of any of the substances described in subdivisions (a) and (b) of this section, or the  
5 possession of, or falsification of a record pertaining to, the substances described in subdivision (a)  
6 of this section, in which event the record of the conviction is conclusive evidence thereof."

7 8. Section 490 of the Code states, in pertinent part, that "[a] board may suspend or  
8 revoke a license on the ground that the licensee has been convicted of a crime, if the crime is  
9 substantially related to the qualifications, functions, or duties of the business or profession for  
10 which the license was issued. A conviction within the meaning of this section means a plea or  
11 verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is  
12 permitted to take following the establishment of a conviction may be taken when the time for  
13 appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order  
14 granting probation is made suspending the imposition of sentence, irrespective of a subsequent  
15 order under the provisions of Section 1203.4 of the Penal Code."

16 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request  
17 the administrative law judge to direct a licensee found to have committed a violation or  
18 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
19 and enforcement of the case.

#### 20 FIRST CAUSE FOR DISCIPLINARY ACTION

##### 21 (Substantially Related Conviction)

22 10. Respondent has subjected her registered nurse license to disciplinary action under  
23 Sections 2761(f) and 490 of the Code in that she was convicted of a crime substantially related to  
24 the qualifications, functions or duties of a registered nurse in that on or about March 27, 2007, in  
25 the Superior Court of California, County of Monterey, Case Number MS252458A, entitled The  
26 People of the State of California v. Bonnie Brewer Faulk, Respondent was convicted by guilty  
27 plea of violating Section 23152(b) of the Vehicle Code (driving with a blood alcohol content of  
28 .08% and more), a misdemeanor. Pursuant to said conviction, the imposition of sentence was

1 suspended and Respondent was placed on probation for five years upon terms and conditions,  
2 which included, but were not limited to, the following: do not commit same or similar offense;  
3 submit to a chemical test upon request of any Peace Officer; subject to a chemical test and field  
4 sobriety tests and complete them; do not drive with alcohol/drugs in system; report and enroll in  
5 the county approved program, First Offender Program (FOP); file proof of enrollment by Friday,  
6 April 27, 2007; pay a fine of \$1,650.00 as directed by the Monterey County Revenue Division;  
7 and serve 3 days with credit for time served of 1 day, and permitted to enroll in Monterey County  
8 Sheriff's Office's Work Alternative Program. The factual circumstances surrounding said  
9 conviction are as follows:

10 a. On or about December 17, 2006, in Salinas, California, Respondent, while driving her  
11 vehicle, a 1988 Toyota Van, was pulled over by Monterey County Deputy Sheriff James Smith,  
12 after he observed her drive over the right fog line and abruptly correct herself. Once she was  
13 pulled over, the investigating officer, Salinas Police Department Officer Chris Stark, detected an  
14 odor of alcohol emitting from the vehicle and in and around Respondent's person. Respondent  
15 told Officer Stark that she had two drinks approximately two hours earlier, and performed poorly  
16 on all four field sobriety tests. Thereafter, Respondent was placed under arrest for driving under  
17 the influence of alcohol. The results of the two breath tests she took revealed that her blood  
18 alcohol content was .11 percent and .10 percent, respectively. After she was initially contacted by  
19 Officer Stark, she said that was an "NMC labor and delivery nurse," and after making that  
20 statement, she told him that "You better hope that you never have to have a child at NMC."  
21 Thereafter, while at the Salinas Police Department, Respondent again told Officer Stark that "You  
22 better hope you never have to have a baby delivered at NMC," which was taken by him as an  
23 open-ended threat.

1                                    SECOND CAUSE FOR DISCIPLINARY ACTION

2                                    (Conviction of a Crime Involving Alcohol)

3            11.    The allegations of paragraph 10 are hereby realleged and incorporated by reference as  
4 if fully set forth.

5            12.    Respondent has subjected her registered nurse license to disciplinary action under  
6 Section 2761(a) of the Code on the grounds of unprofessional conduct, as defined by Code  
7 section 2762(c), in that on or about March 27, 2007, Respondent was convicted of a crime  
8 involving the consumption of alcoholic beverages, as set forth above in paragraph 10.

9                                    THIRD CAUSE FOR DISCIPLINARY ACTION

10                                  (Use of Alcohol to a Dangerous Extent)

11           13.    The allegations of paragraph 10 are hereby realleged and incorporated by reference as  
12 if fully set forth.

13           14.    Respondent has subjected her registered nurse license to disciplinary action under  
14 Section 2761(a) of the Code on the grounds of unprofessional conduct, as defined in Code section  
15 2762(b), in that on or about December 17, 2006, Respondent used and was under the influence of  
16 alcoholic beverages, while driving a vehicle in Monterey County, California, to an extent  
17 dangerous or injurious to herself and the public, as set forth above in paragraph 10.

18                                    PRAYER

19           WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
20 and that following the hearing, the Board of Registered Nursing issue a decision:

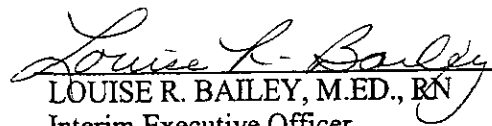
21           1.    Revoking or suspending Registered Nurse License Number 580423, issued to Bonnie  
22 Brewer Faulk (Respondent);

23           2.    Ordering Respondent to pay the Board of Registered Nursing the reasonable costs of  
24 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
25 125.3; and

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3. Taking such other and further action as deemed necessary and proper.

DATED: 10/22/09

  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

SF2009404856  
CR: 10/14/09